

## **Chapter VI. Shoreline Definitions**

**Definitions contained in the Shoreline Management Act of 1971 (RCW Chapter 90.58) and the Shoreline Master Program Guidelines (WAC Chapter 173-26) shall apply to all terms and concepts used in this shoreline master program, provided that definitions contained in this title shall be applicable where not in conflict with the Shoreline Management Act and the Shoreline Master Program Guidelines and Shoreline Management procedural rules.**

**20.40.000 Alteration** means any human activity ~~which~~that results or is likely to result in a significant impact upon the existing condition of a critical area. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, applying herbicides or pesticides or any hazardous substance, discharging pollutants except storm water, grazing domestic animals, paving, constructing, applying gravel, modifying for surface water management purposes, cutting, pruning, topping, trimming, relocating or removing vegetation or any other human activity which results or is likely to result in a significant impact to existent vegetation, hydrology, wildlife or wildlife habitat. Alterations do not include walking, fishing or any other passive recreation or other similar activities.

**20.40.005 Appurtenance** means development necessarily connected to the use and enjoyment of a single family residence and located landward of the perimeter of an associated wetland and landward of the ordinary high water mark. Normal appurtenances include a garage; deck; driveway; utilities solely servicing the subject single family residence; fences; and grading which does not exceed 250 cubic yards.

**20.40.010 Aquaculture** means the culture, harvesting or farming of food fish, shellfish, or other aquatic plants and animals. Activities include the hatching, cultivating, planting, feeding, raising, harvesting, and processing of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas. Cultivation methods include but are not limited to fish pens, fish hatcheries, shellfish rafts, racks and long lines, seaweed floats and nets and the culture of clams and oysters on tidelands and subtidal areas.

**20.40.015 Associated wetlands** means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

**20.40.020 Beach** means the zone of unconsolidated material that is moved by waves, wind, and tidal currents, extending landward to the coastline.

**20.40.025 Boat ramp** means graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

**20.40.030 Bulkhead** means a solid or open pile wall erected generally parallel to and near the ordinary high water mark for the purposes of protecting adjacent uplands from waves or current action.

**20.40.035 Community Beach** means a beach area jointly owned by a homeowners association for use of the neighborhood.

**20.40.040 Community residential facility** means living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification; if staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for subclassifying community residential facilities as follows:

1. Community residential facility-I: Nine to ten residents and staff.
2. Community residential facility-II: Eleven or more residents and staff. [BMC 19.10.065]

**20.40.042 Critical saltwater habitat** means all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

**20.40.044 Development** means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.

**20.40.045 Docks** are fixed structures floating upon the water.

**20.40.050 Dredging** means the removal of earth, sand, sludge or other materials from the bottom of a stream, river, lake, bay or other water body. However, the creation of temporary depressions or contour alterations on tidelands or bedlands through the use of aquaculture harvesting equipment approved by the Washington State Department of Fish and Wildlife shall not be construed to be dredging.

**20.40.055 Feasible** means actions that meet all of the following conditions:

- (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- (b) The action provides a reasonable likelihood of achieving its intended purpose; and
- (c) The action does not physically preclude achieving the project's primary intended legal use.

In cases where this SMP requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

**20.40.060 Fill** means any material, such as earth, clay, sand, concrete, rubble, wood chips, bark or waste of any kind which is placed, stored or dumped upon the surface of the ground resulting in an increase in the natural surface elevation.

**20.40.065 Floating home** means a structure designed and operated substantially as a permanently based structure and not as a vessel and is typically characterized by permanent utilities, a semi-permanent anchorage/moorage design, and by the lack of adequate self-propulsion to operate as a vessel.

**20.40.070 Floats (rafts)** are floating structures that are moored, anchored, or otherwise secured in the water that are not directly connected to the shoreline.

**20.40.073 Government Facility** – Services and facilities operated by any level of government, excluding those use listed separately in this Code. [BMC 19.10.210]

**20.40.074 Grading** means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

**20.40.075 Houseboat** means a vessel used for living quarters but licensed and designed substantially as a mobile structure by means of detachable utilities or facilities, anchoring, and the presence of adequate self-propulsion to operate as a vessel.

**20.40.080 In-water structure** means a structure located waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

**20.40.085 Littoral drift** means the mud, sand, or gravel materials moved parallel to the shoreline in the nearshore zone by waves and currents.

**20.40.088 Mean higher high water** or "MHHW" means the tidal elevation obtained by averaging each day's highest tide at a particular location over a period of nineteen years. It is measured from the mean lower low water = 0.0 tidal elevation.

**20.40.090 Mooring buoy** means a floating object anchored to the bottom of a water body that provides tie up capabilities for vessels.

**20.40.095 Normal protective bulkhead** means a bulkhead, common to single family residences, constructed at or near the ordinary high water mark to protect an existing single family residence, the sole purpose of which is to protect land from erosion, not for the purpose of creating new land.

**20.40.097 Office** – A place of employment providing professional, administrative, educational, business or governmental services other than production, distribution, sale or repair of goods or commodities. The following is a nonexclusive list of office uses: medical, dental or other health care; veterinary, accounting, architectural, engineering, consulting or other similar professional services; management, administrative, secretarial, marketing, advertising, personnel or other similar services; sales offices where no inventories or goods are available on the premises, real estate, insurance, travel agent, brokerage or other similar services.[BMC 19.10.385]

**20.40.100 Ordinary High Water Mark (OHWM)** means on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existing on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

**20.40.101 Partially functioning areas** means areas that provide one or more reduced ecological functions and are neither native vegetation nor impervious surface. Ecological functions may include sediment removal, erosion control, pollution removal, wildlife habitat, and infiltration. Partially functioning areas specifically include lawns, slat decks that allow infiltration, and non-native landscaped areas.

**20.40.102 Personal wireless service facility (PWSF)** – A site, building, and/or structure that contains facilities to provide *personal wireless services*. A personal wireless service facility includes at least one of the following: *antenna, support structure, and/or equipment enclosure*. [Ord. 265 § 23, 1999], [BMC 19.10.397]

**20.40.105 Piers** are fixed, pile-supported structures extending over the water.

**20.40.110 Physical access** means the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

**20.40.115 Primary structure** means any permanent building, road, bridge or utility requiring a permit or approval which is necessary to support the primary use of a site.

**20.40.116 Public park and recreation facilities** – A natural or landscaped area, *buildings* or *structures*, provided by a unit of government, to meet the active or passive recreational needs of people. [BMC 19.10.210]

**20.40.117 Retail** – A commercial enterprise which: provides goods and/or services directly to the consumer; and, whose goods are available for immediate purchase and/or rental; and, whose goods are available for immediate removal from the premises by the purchaser and/or whose services are traditionally not permitted within an *office use*. The sale and consumption of food are included if: a) the seating and associated circulation area does not exceed ten percent of the *gross floor area* of the *use*, and b) it can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. Goods and services offered include, but are not limited to: *convenience retail uses*. [BMC 19.10.465]

**20.40.119 School** - An institution of learning offering instruction in the several branches of learning and study required by the Education Code of the state of Washington. The following are categories of schools:

1. Elementary, and middle/junior high schools: Grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities.
2. Secondary or high school schools: Grades 9 through 12, including associated meeting rooms, auditoriums and athletic facilities.

**20.40.120 Shorelands** means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and 100-year floodplains; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the State of Washington Shoreline Management Act.

**20.40.125 Shoreline Administrator** means the City Manager or his or her designee in the Community Development Department who is responsible for administering the City of Burien Shoreline Master Program.

**20.40.130 Shoreline conditional use** means a use or modification classified by the City of Burien Shoreline Master Program as a conditional use or modification for certain shoreline environments or is an unlisted use/modification.

**20.40.135 Shoreline modification** means an action that modifies the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a breakwater, dock, boat launch ramp, or other shoreline structures. A shoreline modification also can consist of other activities, such as dredging and filling.

**20.40.140 Shoreline permit** means any substantial development, variance, conditional use, or revision thereto authorized under the provisions of the City of Burien Shoreline Master Program subject to review by the Washington State Department of Ecology.

**20.40.145 Shoreline substantial development** means any development of which the total cost, or fair market value, whichever is higher, exceeds \$~~6,4165,718~~ or the dollar amount as periodically adjusted by WAC 173-27-040(2.a), so long as such any development does not~~which~~ materially interferes with the normal public use of the water or shorelines of the state ~~(See also WAC 173-27-040(2.a)).~~

**20.40.150 Shoreline variance** means a permit for the limited purposes of granting relief to specific bulk, dimensional, or performance standards set forth in the City of Burien Shoreline Master Program.

**20.40.155 Shoreline environment designations** means the categories of shorelines established by the City of Burien Shoreline Master Program in order to provide a uniform basis for applying policies and use regulations within physically distinct shoreline areas. The City of Burien Shoreline Master Program classifies shorelines into three shoreline environment designations: Urban Conservancy, Aquatic and Shoreline Residential.

**20.40.160 Shoreline jurisdiction** means the proper term describing all of the geographic areas regulated by the City of Burien Shoreline Master Program.

**20.40.165 Shoreline master program** means the general term for shoreline comprehensive plans and regulations prepared under the jurisdiction of the Shoreline Management Act.

**20.40.170 Shorelines** means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (1) shorelines of statewide significance, (2) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments, and (3) shorelines on lakes less than 20 acres in size, and wetlands associated with such small lakes.

**20.40.175 Shorelines of statewide significance** means shorelines designated by the State of Washington that are major resources from which all people in the state derive benefit. Shoreline areas in the City of Burien that are designated as shorelines of statewide significance are portions of the Puget Sound adjacent to the city limits extending out to mid channel from extreme low tide.

**20.40.180 Shorelines of the state** means the total of all "shorelines" and "shorelines of statewide significance" within the state.

**20.40.185 Tidal waters** means marine and estuarine waters bounded by the ordinary high mark. Where a stream enters the tidal waters, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream.

**20.40.190 Tidelands** means the land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.



**20.40.195 Tram** means a conveyance that transports passengers or freight in carriers on rails or suspended from cables supported by a series of towers.

**20.40.200 Upland** means generally the area above and landward of the ordinary high water mark.

**20.40.205 Visual access** means access with improvements that provide only a view of the shoreline or water, but do not allow physical access to the shoreline.

**20.40.210 Water dependent** means a use or a portion of a use which requires direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of its operations. Examples of water dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

**20.40.215 Water enjoyment** means a recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of the use and which through the location, design and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water enjoyment use, the use must be open to the general public and the shoreline space of the project must be devoted to provisions that accommodate public shoreline enjoyment. Examples may include parks, piers, museums, restaurants, educational/scientific reserves, resorts, and mixed use projects.

**20.40.220 Water oriented** means any combination of water dependent, water related, and/or water enjoyment uses. Nonwater oriented serves to describe those uses which have little or no relationship to the shoreline. Examples of nonwater oriented uses include professional office, automobile sales or repair shops, mini storage facilities, multifamily residential development, department stores, and gas stations.

**20.40.225 Water related** means a use or a portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a waterfront location. Examples of water related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

**20.40.230 Watershed restoration plan** means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a water body or reach, drainage area, or watershed for which agency and public review



has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act.

**20.40.235 Wetlands** means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.